

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

TYRONE A. MCDONALD,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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CV 117-167

(underlying CR 114-068)

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O R D E R

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On October 17, 2018, this Court denied Petitioner Tyrone A. McDonald's motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255 upon adoption of a very thorough and well-reasoned Report and Recommendation of the United States Magistrate Judge. (See Docs. 14 & 21.) The Court subsequently denied his motion for reconsideration as well. (Doc. 26.) Petitioner appealed the matter. On February 28, 2019, the Eleventh Circuit denied Petitioner's motion for a certificate of appealability, essentially dismissing the appeal as frivolous. (Doc. 28.)

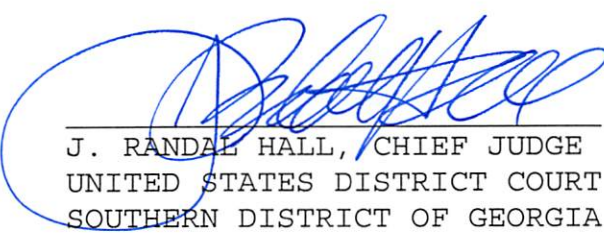
Petitioner recently filed a motion for relief from judgment, citing Federal Rule of Civil Procedure 60(b)(6). Rule 60(b)(6) is a catch-all category, authorizing a court to grant relief for "any other reason that justifies relief." Aldana v. Del Monte Fresh Produce N.A., Inc., 741 F.3d 1349, 1355 (11<sup>th</sup> Cir. 2014). To prevail, however, a party "must demonstrate that the circumstances

are sufficiently extraordinary to warrant relief." Id. (internal quotations and citations omitted).

Petitioner's motion does not present any reason, let alone extraordinary circumstances, that would warrant relief. In fact, Petitioner's motion is simply a recitation of legal standards and general assertions of error. Moreover, Petitioner misstates the procedural history of this case. Petitioner asserts that this Court "misapplied a procedural bar" to his claims and suggests that the Court failed to address every ground raised by Petitioner in his habeas petition. In actuality, the Court did not procedurally bar or default any of Petitioner's claims; rather, it substantively addressed every ground. Indeed, Petitioner does not identify any legal argument or issue not addressed by the Court.

Upon review of the matter prompted by his current motion, the Court finds that Petitioner's grounds for relief have been considered and rejected by this Court and the Court of Appeals. This case is over. Accordingly, Petitioner's motion for relief from judgment (doc. 31) is **DENIED**.

ORDER ENTERED at Augusta, Georgia, this 18<sup>th</sup> day of June, 2019.



J. RANDAL HALL, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA